

Sarah Strickland

From: Kieran Shanahan
Sent: Monday, April 17, 2023 1:25 PM
To: iherbert@milchev.com; Rillotta, Joseph; ripley.rand@wbd-us.com
Cc: Sarah Strickland; John Branch; brandon.neuman@nelsonmullins.com; Jeff Kelly; Nate Pencook
Subject: F. Azima v. N. del Rosso and VMS - Deposition of Craig Evers

Gentlemen:

I've given considerable thought to your insistence that the deposition of my client, Craig Evers, take place tomorrow. As you know, Mr. Evers has filed a Motion to Quash and for Motion for Protective Order ("Motion") regarding both of your Subpoenas directed to him. We served you with the Objections and Responses to the Subpoena for Documents last week. All the objections that pertain to the documents sought will also apply to Mr. Evers' deposition, along with all the items set forth in support of my client's Motion, Memo in Support and Mr. Evers' Declaration.

If Mr. Evers were to post for his deposition I fear I would be forced into making objections instructing the witness not to answer based on the filed Motion. I have not heard from any of you as to why you need to move forward with the deposition before the court's ruling. Had you filed a response to the Motion it would have been ripe for consideration by the court.

Based on the foregoing, as well as judicial economy, we will not be posting for the deposition scheduled for tomorrow but will await guidance from the court when it rules on my client's Motion, which is consistent with my phone call with you on March 31st and my email addressed to Ripley on April 11th.

Thank you in advance for your cordial cooperation and understanding. We truly believe that we will, in the end, save everyone time, as it makes sense to wait for the court to rule.

Kieran

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